

**CASCADE COUNTY COMMISSION MEETING**

**April 9, 2019 - 9:30 AM**

**COURTHOUSE ANNEX - ROOM 111**

**AGENDA**

**Agenda Topics:**

**Call to Order:**

**Chairman Briggs**

**Pledge of Allegiance:**

**Read Weekly Calendar and Report of Approved Purchase Orders and Accounts Payable Warrants.**

**Consent Agenda:** The Consent Agenda is made up of routine day-to-day items that require Commission action. Any Commissioner may pull items from the Consent agenda for separate discussion/vote.

*(A) Approval of Minutes and Minute Entries: March 12, 2019; March 20, 2019; March 26, 2019; April 3, 2019*

*(B) Approval of Routine Contracts as follows:*

**Resolution 19-20:** Budget Appropriation increasing funds for the Bridge and Road Safety and Accountability (BaRSAA) program for FY2019. Project: Sun Prairie Village. Total Amount: \$157,792. *(Ref: Resolution 19-17, R0367871)*

**Resolution 19-24:** Budget Appropriation increasing funds for the State Homeland Security Program (SHSP) for FY 2019. Total Amount: \$54,463 *(Ref: Contract 19-26, R0367874)*

**Contract 19-36:** MT DPHHS Service Provider Designation Form. Cascade County designates 100% of allocated earmarked alcohol tax monies to Gateway Community Services for the provision of chemical dependency treatment and prevention services in Cascade County. Effective: July 1, 2019 - June 30, 2020 (FY 2020)

**Contract 19-37:** General Conveyance Agreement by and between Executive Plaza Association dba/Tribune Plaza and Cascade County. Cascade County will assume remaining property, costs and other obligations of the Executive Plaza as the Association is dissolving. *(Ref: Declaration Establishing Association Reel 140 Document 1320, Minutes: R0368209)*

**Contract 19-40:** Hazard Mitigation Grant: Cascade Elevation Project, FEMA DR-4172-MT, HMGP P-4-R (Recipients: Michael & Sharon McCabe) Additional Funding: \$1,427.79 *(Ref: Contract 15-203 R0316896)*

**Resolution 19-26:** Budget Appropriation to cover additional surveying cost necessary for closure of the increasing funds for the Cascade Elevation Project, FEMA DR-4172-MT, HMGP P-4-R. Total Amount: \$1,428. *(Ref: Contract 19-40)*

1.	<b>Motion to Approve or Disapprove:</b> <b><u>Contract 19-38:</u></b> Building for Lease or Rent Application: 4601 River Drive North Storage: (4) proposed buildings housing a total of 180 units Block 1 Lot 1A of the Amended Plat of Henke Tracts Minor Subdivision, Section 4, Township 20 North, Range 4 East, PMM, Cascade County, MT <i>Initiated By: Ken Weinheimer</i>	<b>Sandor Hopkins Planner</b>
2.	<b>Motion to Approve or Disapprove:</b> <b><u>Resolution 19-25:</u></b> Resolution of Intent to Sell Real Property acquired by Cascade County through Tax Deed at Public Auction.	<b>Charity Yonker Deputy County Attorney</b>
3.	<b>Motion to Approve or Disapprove:</b> <b><u>Contract 19-39:</u></b> CDBG Planning Grant Application, Black Eagle Cascade County Water & Sewer District Estimated Project Cost: \$50,000 (CDBG Funds: \$40,000, Match: \$10,000).	
4.	<b>Public comment on any public matter that is not on the meeting agenda, and that is within the Commissioners' jurisdiction. (MCA 2-3-103)</b>	
5	<b>Adjournment.</b>	

AGENDA # \_\_\_\_\_

DATE \_\_\_\_\_

## AGENDA REPORT

Prepared for the

### CASCADE COUNTY COMMISSION

ITEM Approved checks issued since 03/09/2019

**PRESENTED BY: Cascade County Clerk & Recorder/Auditor**

**The Board of County Commissioners has approved invoices and accounts payable checks # 293549 through #293685 totaling \$469,660.37 and EFT's #91011124 through 9101130 totaling \$8131.79 for an A/P total of \$477,792.16 dated 03/08/19 thru 03/15/19.**

A listing of all paid checks is available in the Cascade County Commissioners Office.

AGENDA # \_\_\_\_\_ DATE \_\_\_\_\_

## AGENDA REPORT

Prepared for the  
**CASCADE COUNTY COMMISSION**

ITEM Approved checks issued since 03/16/2019

**PRESENTED BY: Cascade County Clerk & Recorder/Auditor**

**The Board of County Commissioners has approved invoices and accounts payable checks # 293686 through #2936872 totaling \$571,806.40 and EFT's #91011131 through 9101135 totaling \$350,558.28 for an A/P total of \$922,364.68 dated 03/18/19 thru 03/22/19.**

A listing of all paid checks is available in the Cascade County Commissioners Office.



**CASCADE COUNTY COMMISSION MEETING**  
**March 12, 2019**  
**COMMISSION CHAMBERS**  
**COURTHOUSE ANNEX, ROOM 111**  
**9:30 A.M.**

Commission Journal #59
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**Notice:** Pursuant to MCA 2-3-212(1), the official record of the minutes of the meeting is in audio form, located at [cascadecountymt.gov](http://cascadecountymt.gov) and the Clerk and Records Office. This is a written record of this meeting to reflect all the proceedings of the Board. MCA 7-4-2611 (2) (b). Timestamps are indicated below, in red, and will direct you to the precise location should you wish to review a specific agenda item audio segment. These are in draft form until officially approved on March 26, 2019.

**Commission:** Chairman Joe Briggs, Commissioner James L. Larson, Commissioner Jane Weber

**Staff:** Carey Ann Haight – Deputy County Attorney, Ian Payton – Deputy Public Works Director, Cory Reeves – Undersheriff, Mary Embleton – Budget Officer, Bonnie Fogerty – Commission Office, Marie Johnson and Kyler Baker – Deputy Clerk and Recorder's

**Public:** Jenn Rowell – The Electric, Tanya Houston and Trista Besich – Alluvion, Marilyn Hamer, Charlene Suckow, Kathy Stuart and Judy Peach

**Call to Order:** Chairman Briggs called the meeting to order.

**Proclamation:** Recognizing March 12, 2019 as "Montana Retired Educators Day"  
**Representative:** Marilyn Hamer 00:13

**Reading of the Commissioners' calendar:** Bonnie Fogerty read the calendar. 04:25

**Purchase orders and accounts payable checks:** *See agenda for payment information.* Commissioner Weber made a **MOTION** to approve purchase orders and accounts payable warrants. **Motion carries 3-0 07:22**

**Consent agenda:** Routine day-to-day items that require Commission action. Any Commissioner may pull items from the Consent Agenda for separate discussion/vote.

**Approval of the Minutes and Consent Agenda Items:** Commissioner Weber made a **MOTION** to (A) Approve minute entries (February 22, 2019; February 26, 2019; March 6, 2019), (B) Approval of Routine Contracts as Follows:

**Consent Agenda**

**Resolution 19-16:** Budget Appropriation increasing the funds for the Montana Internet Crimes Against Children Task Force Grant Program Total Amount: \$8,500.00 08:19

**Resolution 19-18:** Confirming the creation of the Cascade County Senior Advisory Council  
(Ref: Contract 19-29) 08:33

**Contract 19-25:** Temporary Construction Agreement between John H. Stuker & Elena Hovland Stuker and Cascade County Public Works for Birdtail Creek to Launch Facility H-06. This agreement grants exclusive right to perform construction activities necessary to



replace a large culvert on Birdtail Creek Road near Mile Post (M.P.) 1.05. (Ref: Contract 18-79, RR0355772) 08:46

**Contract 19-26:** Montana DES State Homeland Security Program, Agreement #EMW-2017-SS-00009 Amendment #01 Increase Funding: \$54,462.99 Total Award: \$213,985.22 (No County Match) (Ref: Contract 17-179, R0346940) 09:28

**Contract 19-29:** Cascade County Senior Advisory Council Bylaws (Ref: Contract 19-18) 10:18

### **City-County Health Department**

**Contract 19-27:** Memorandum of Understanding between Cascade County and Alluvion Health. Purpose: Designation of Alluvion Health as a non-publicized, closed Point of Dispensing (POD). Effective: Date of signing. 10:34

**Contract 19-28:** Memorandum of Understanding between Cascade County and Alluvion Health. Purpose: Establishing the terms and conditions under which CCHD and Alluvion Health will coordinate response efforts. Effective: Date of signing.  
**Motion carries 3-0 12:03**

### **AGENDA ITEM #1 15:02**

#### **Motion to Approve or Disapprove:**

#### **Board Appointments: Mental Health Local Advisory Council**

##### **Applicants:**

Trista Besich  
Cassidy Rose Blomgren  
Virginia (Ginny) Carnes  
Linda Daggett  
Amea Ellsworth  
Steven Humphries-Wadsworth  
Brian Luschenat  
Shawn Matsko  
Robert Moccasin  
Tom Osborn  
Janet Peak  
Jesse Slaughter  
Gayle Snyder  
John Gregory Tilton  
Jane Wilson  
Dusti Zimmer

Commissioner Weber made a **MOTION** to appoint Sheriff Jesse Slaughter as the Sheriff's Office Representative, Robert Moccasin as the City Law Enforcement Representative, Trista Besich as the Community Health Care Center dba/ Alluvion Health Representative, Amea Ellsworth as the Great Falls Clinic Representative and Steven Humphries-Wadsworth as the Center for Mental Health Representative. 15:04

**Motion carries 3-0 13:33**

Commissioner Weber made a **MOTION** to appoint Cassidy Rose Blomgren as the City Attorney Representative. 16:42

**Motion carries 3-0 17:35**

Commissioner Weber made a **MOTION** to appoint Dusti Zimmer as the Provider Representative. 18:40

**Motion carries 3-0 20:24**

Commissioner Larson made a **MOTION** to appoint Linda Daggett, Gayle Snyder, John Gregory Tilton, Virginia Carnes, Shawn Matsko, Tom Osborn and Jane Wilson as Consumer and/or Family Member of Consumers Representatives. 20:45

**Motion carries 3-0 22:02**

**AGENDA ITEM #2**

**Motion to Approve or Disapprove:**

**Resolution #19-17:** A resolution requesting distribution of bridge and road safety and accountability program funds. Request Total: \$157,791.17 County Match: \$7,889.56 (5%) Ian Payton, Deputy Public Works Director, elaborates. 22:38

Commissioner Weber made a comment stating how BaRSAA funds are distributed. 23:54

**Motion carries 3-0 25:43**

**Public Participation in decisions of the Board and allowance of public comment on matters the Commission has jurisdiction, on items not covered by today's agenda. (MCA 2-3-103)**

**Public Comment: NONE**

Commissioner Weber asked Marilyn Hamer to introduce the additional educators. 26:04

**Adjournment:** Chairman Briggs adjourned this Commission Meeting at 9:50 a.m.



<b>CASCADE COUNTY WORK SESSION MINUTES</b>
<b>COMMISSION CHAMBERS COURTHOUSE ANNEX</b>
<b>March 20, 2019 – 2:00 P.M.</b>

Notice: Pursuant to MCA 2-3-212(1), the official record of the minutes of the meeting is in audio form, located at cascadecountymt.gov and the Clerk and Records Office. This is a written record of this meeting to reflect all the proceedings of the Board. MCA 7-4-2611 (2) (b). Timestamps are indicated below, in red, and will direct you to the precise location should you wish to review a specific agenda item audio segment. This written record is in draft form until officially approved on March 26, 2019.	COMMISSION MINUTES JOURNAL # 59
<b>Board of Cascade County Commissioners:</b> Chairman Joe Briggs, Commissioner James L. Larson, Commissioner Jane Weber	
<b>Staff Present:</b> Carey Ann Haight – Deputy County Attorney, Jeff Mora – Human Resource Director, Jo-Viviane Jones – CCHD, Rose Malisani and Jerica Seilstad – MSU Extension, Diane Brien – Accounting, Shanna Bulik-Chism – JDC Administrator, Mary Embleton – Budget Officer, Sandor Hopkins – Planner, Sean Higginbotham – IT Director, Bonnie Fogerty - Commission and Kyler Baker – Deputy Clerk and Recorder	
<b>Public Members Present:</b> Trista Besich – Alluvion Health and Jenn Rowell – The Electric	
<b>Commissioner Weber opened the work session meeting at 2:00 pm</b>	
<b>Proclamation:</b> <i>Child Abuse Prevention Month (April 1-30, 2019) "Pinwheels for Prevention"</i> 00:08	
<b>Consent Agenda Items:</b>	<b>Department:</b>
<b>Compensation Board Appointment:</b> (1) Vacancy Applicant: Ted Lewis Term Expiration: June 30, 2021	Commission <b>00:53</b>
<b>Resolution 19-19:</b> Budget Appropriation increasing funds for the Solid Waste Recycling Program. Total Amount: \$8,500.00	Clerk & Recorder <b>01:24</b>
<b>Resolution 19-20:</b> Budget Appropriation increasing funds for the Bridge and Road Safety Accountability (BaRSAA) program for FY2019. Total Amount: \$157,792.00	Public Works <b>02:26</b>
<b>Resolution 19-21:</b> Prosecutorial Assistance in the matter of case MC 18-08-02. (Ref: Resolution 18-85, R0365142)	County Attorney <b>06:32</b>
<b>Contract 19-30:</b> Memorandum of Understanding between the Cascade County Sheriff's Office and the Cascade County Regional Youth Services Center for fingerprinting and/or photographing youth offenders. Effective upon signing.	JDC <b>07:12</b>
<b>Contract 19-31:</b> Agreement Assigning Contracts between Cascade County and Community Health Care Center, Inc. dba/ Alluvion Health. Cascade County will relinquish its interest and future claims to Grant #H80CS00566 as of December 31, 2018 to enable the Community Health Care Center dba/ Alluvion Health to move forward as a stand-alone entity.	County Attorney <b>08:33</b>
<b>Contract 19-33:</b> Lease Agreement between Great Falls School District No. 1&A and Cascade County Effective: September 1, 2019 – June 30, 2022. Cost: \$25,947.54 Annually (\$2,162.30/monthly)	MSU Extension <b>10:32</b>
<b>City-County Health Department</b>	
<b>Contract 19-32:</b> Professional Service Agreement between CCHD and Great Falls Child and Family Services Division DPHHS. Effective: July 1, 2018 – June 30, 2019. Cost: \$90.00/per child served/per month based on the monthly caseload report.	CCHD <b>11:45</b>

**AGENDA ITEM #1 12:51**

4601 River Drive North Storage Building for Lease or Rent Application *Initiated by: Ken Weinheimer*

**ADDED ITEMS:**

Resolution 19-22: Budget Appropriation transferring funds for the ExpoPark Grandstands and Paddock club. 17:31

Contract 19-34: MOU between Cascade County and Teamsters #2. 19:57

Resolution 19-23: Amendment to a joint resolution with the City of Great Falls Byrne Justice Assistance Grant (JAG) to purchase a WatchGuard Server. 22:11

All added items will be placed on the consent agenda.

**Adjournment:** Commissioner Briggs closed the work session meeting at 2:24 p.m.



**CASCADE COUNTY COMMISSION MEETING**

**March 26, 2019**

**COMMISSION CHAMBERS  
COURTHOUSE ANNEX, ROOM 111**

**9:30 A.M.**

Commission Journal #59
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**Notice:** Pursuant to MCA 2-3-212(1), the official record of the minutes of the meeting is in audio form, located at [cascadecountymt.gov](http://cascadecountymt.gov) and the Clerk and Records Office. This is a written record of this meeting to reflect all the proceedings of the Board. MCA 7-4-2611 (2) (b). Timestamps are indicated below, in red, and will direct you to the precise location should you wish to review a specific agenda item audio segment. These are in draft form until officially approved on April 9, 2019.

**Commission:** Chairman Joe Briggs, Commissioner James L. Larson, Commissioner Jane Weber

**Staff:** Carey Ann Haight – Deputy County Attorney, Diane Heikkila – Treasurer, Sandor Hopkins – Planner, Rina Fontana Moore – Clerk and Recorder, Jo-Viviane Jones and Cyndie Einan – CCHD, Cory Reeves – Undersheriff, Jesse Slaughter – Sheriff, Brad Clark – Auditor, Mary Embleton – Budget Officer, Sean Higginbotham – IT, Rose Malisani and Katrin Finch – MSU Cascade County Extension, Bonnie Fogerty – Commission Office, Marie Johnson and Kyler Baker – Deputy Clerk and Records

**Public:** Ken Weinheimer, Nate Kluz, Linda Mettam, Kevin May, Traci Rosenbaum – Media and Aime Houtz – Alluvion Health

**Call to Order:** Chairman Briggs called the meeting to order.

**Proclamation:** Recognizing April 1-30, 2019 as Child Abuse Prevention Month. The “Pinwheels for Prevention” Display will be on the Courthouse lawn in April. Presented By: Exchange Club of Great Falls, Child Advocacy Center, YWCA, Victim Witness, Kiwanis Club of Great Falls, Child Abuse Prevention Committee, Dandelion Foundation, Police Protective Association and the Alliance for Youth. (*Representative: Linda Mettam*) 00:48

**Reading of the Commissioners’ calendar:** Bonnie Fogerty read the calendar. 05:06

**Purchase orders and accounts payable checks:** *See agenda for payment information.* Commissioner Weber made a **MOTION** to approve purchase orders and accounts payable warrants. **Motion carries 3-0 09:59**

**Treasurer’s Report:** Treasurer Diane Heikkila reads the report. 10:20

**Consent agenda:** Routine day-to-day items that require Commission action. Any Commissioner may pull items from the Consent Agenda for separate discussion/vote.

**Approval of the Minutes and Consent Agenda Items:** Commissioner Larson made a **MOTION** to (A) Approve minute entries (none), (B) Approval of Routine Contracts as Follows:

**Consent Agenda**

**Compensation Board Appointment:** (1) Vacancy Applicant: Ted Lewis 12:21

Term Expiration: June 30, 2021

**Resolution 19-19:** Budget Appropriation increasing funds for the Solid Waste Recycling Program. Total Amount: \$8,500.00 12:37

**Resolution 19-20:** Budget Appropriation increasing funds for the Bridge and Road Safety and Accountability (BaRSAA) program for FY2019. Project: Sun Prairie Village  
Total Amount: \$157,792. (Ref: Resolution 19-17, R0367871) 12:49 ITEM PULLED DUE TO FUNDS NOT BEING APPROVED AT THIS POINT

**Resolution 19-21:** Prosecutorial Assistance in the matter of Case MC 18-08-02.  
(Ref: Resolution 18-85, R0365142) 13:04

**Resolution 19-22:** Budget Appropriation moving Expo Grandstands Capital Building Fund 4125 to the MT ExpoPark fund 5750 for the Grandstands/Paddock club replacement project. 13:22

**Resolution 19-23:** Amendment to a Joint Resolution Adopting the Interlocal Agreement for the Division of the 2018 Byrne Justice Assistance Grant (JAG) Program Award. County funds will be used to purchase a WatchGuard Server. (Ref: Resolution 18-75, R0362499) 13:42

**Contract 19-30:** Memorandum of Understanding between the Cascade County Sheriff's Office and the Cascade County Regional Youth Services Center for fingerprinting and/or photographing youth offenders. Effective upon signing. 14:13

**Contract 19-31:** Agreement Assigning Contract between Cascade County and Community Health Care Center, Inc. dba/Alluvion Health. Cascade County will relinquish its interest and future claims to Grant #H80CS00566 as of December 31, 2018 to enable the Community Health Care Center dba/Alluvion Health to move forward as a stand-alone entity. 14:31

**Contract 19-33:** Lease Agreement between Great Falls School District No. 1 & A and Cascade County Effective: September 1, 2019 – June 30, 2022. Cost: \$26,300/annually (\$2,191.66/monthly) (renewal) 15:08

**Contract 19-34:** Memorandum of Understanding between Cascade County and Teamsters Local Union #2. The IT Department will utilize apprentices/interns for short term/temporary work. Effective: July 21, 2017 – June 30, 2021. 15:38

**Contract 19-35:** Bill of Sale: Alluvion Health will be purchasing used IT equipment from Cascade County. 16:03

### **City-County Health Department**

**Contract 19-32:** Professional Service Agreement between CCHD and Great Falls Child and Family Services Division DPHHS. Effective: July 2, 2018 – June 30, 2019. Cost: \$90.00/per child served/per month based on the monthly caseload. 16:20



**AGENDA ITEM #1**

**Motion to Approve or Disapprove: Building for Lease or Rent Application: 4601 River Drive North Storage Location: Block 1 Lot 3 of Henke Tracts Minor Subdivision, Section 04, Township 20N, Range 4E, PMM, Cascade County MT *Initiated by: Ken Weinheimer***  
**Sandor Hopkins, Planner, elaborates. 17:37**

**Chairman Briggs commented about a discrepancy with the AAR. 22:01**

**Sandor Hopkins stated that the staff report has 7 conditions, that were read. 22:17**

**Chairman Briggs asked that the record note that there are 7 conditions. 22:24**

**Commissioner Weber made a MOTION that after consideration of the Staff Report, that the one (1) proposed building for Lease or Rent housing a total of sixty-four (64) units on Block 1 Lot 3 of Henke Tracts Minor Subdivision, Section 04, Township 20 North, Range 4 East, PMM, Cascade County MT, be approved subject to the seven (7) delineating conditions.**

**Motion carries 3-0 23:58**

**Public Participation in decisions of the Board and allowance of public comment on matters the Commission has jurisdiction, on items not covered by today's agenda. (MCA 2-3-103)**

**Public Comment: Nate Kluz, 597 Armington Road in Belt, MT, comments. 24:36-25:06**

**Adjournment: Chairman Briggs adjourned this Commission Meeting at 9:56 a.m.**



<b>CASCADE COUNTY WORK SESSION MINUTES</b>
<b>COMMISSION CHAMBERS COURTHOUSE ANNEX</b>
<b>April 3, 2019 – 2:00 P.M.</b>

Notice: Pursuant to MCA 2-3-212(1), the official record of the minutes of the meeting is in audio form, located at <a href="http://cascadecountymt.gov">cascadecountymt.gov</a> and the Clerk and Records Office. This is a written record of this meeting to reflect all the proceedings of the Board. MCA 7-4-2611 (2) (b). <b>Timestamps are indicated below, in red, and will direct you to the precise location should you wish to review a specific agenda item audio segment.</b> This written record is in draft form until officially approved on March 12, 2019.		<b>COMMISSION MINUTES JOURNAL # 59</b>
<b>Board of Cascade County Commissioners:</b> Commissioner James L. Larson and Commissioner Jane Weber <b>Excused:</b> Chairman Joe Briggs		
<b>Staff Present:</b> Charity Yonker – Deputy County Attorney, Sandor Hopkins – Planner, Sean Higginbotham – IT Director, Mary Embleton – Budget Officer, Bonnie Fogerty – Commission Office, Marie Johnson and Kyler Baker – Deputy Clerk and Recorder's		
<b>Public Members Present:</b> Jenn Rowell – Media, Sarah Peck and Sarah Converse		
<b>Chairman Briggs opened the work session meeting at 2:00 pm</b>		
<b>Consent Agenda Items:</b>		<b>Department:</b>
<b>Resolution 19-24:</b> Budget Appropriation increasing funds for the State Homeland Security Program (SHSP) for FY 2019. Total Amount: \$54,463 (Ref: Contract 19-26, R0367874)		DES <b>00:14</b>

**ADDED ITEMS:**

**Contract 19-36:** MT DPHHS Service Provider Designation Form. Cascade County designates 100% of allocated earmarked alcohol tax monies to Gateway Community Services for the provision of chemical dependency treatment and prevention services in Cascade County. Effective: July 1, 2019 – June 30, 2020 (FY 2020) **02:48**

**Contract 19-37:** General Conveyance Agreement by and between Executive Plaza Association dba/Tribune Plaza & Cascade County. **04:09**

**AGENDA ITEM #1**

Building for Lease or Rent Application: 4601 River Drive North Storage  
 Four (4) proposed buildings housing a total of 180 units on Block 1 Lot 1A of the Amended Plat on Henke Tracts Minor Subdivision, Section 4, Township 20 North, Range 4 East, PMM, Cascade County, MT  
*Initiated by: Ken Weinheimer 06:17*

**AGENDA ITEM #2**

Resolution 19-25: Resolution of Intent to Sell Real Property Acquired by Cascade County through Tax Deed at Public Auction. **08:12**

**Resolution 19-20:** Budget Appropriation increasing funds for the Bridge and Road Safety and Accountability (BaRSAA) program for FY2019. Project: Sun Prairie Village. Total Amount: \$157,792.  
 (Ref: Resolution 19-17, R0367871) **10:02**

Black Eagle Water and Sewer: Sarah Converse **11:28-22:18**

**Adjournment:** Chairman Briggs closed the work session meeting at 2:22 p.m.

**April 9, 2019**

**AGENDA #1**

**Agenda Action Report**  
*Prepared for the*  
**Cascade County Commission**

<b>ITEM</b>	<b>Staff Report for River Drive North Storage Building for Lease or Rent Application</b>
<b>INITIATED BY</b>	<b>Ken Weinheimer - Aspen Air, LLC</b>
<b>SUBJECT</b>	<b>Block 1 Lot 1A of the Amended Plat of Henke Tracts Minor Subdivision, Section 4, Township 20N, Range 4E</b>
<b>EXISTING ZONING</b>	<b>Heavy Industrial</b>
<b>ACTION REQUESTED</b>	<b>Approval of Buildings for Lease or Rent Application</b>
<b>PURPOSE</b>	<b>Construction of 4 buildings housing a total of one-hundred and eighty (180) mini storage units</b>
<b>RECOMMENDATION</b>	<b>Approval of River Drive North Storage Buildings for Lease or Rent Application</b>
<b>PRESENTED BY</b>	<b>Sandor Hopkins, Planner</b>

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**STAFF REPORT FOR**  
**RIVER DRIVE NORTH STORAGE**  
**BUILDINGS FOR LEASE OR RENT APPLICATION**

**BACKGROUND:**

The 2013 Montana Legislative Session passed Senate Bill 324 to regulate Buildings for Lease or Rent (BLR). Some of Montana's counties felt developers and land owners were attempting to skirt subdivision regulations when they developed projects meant for leasing or renting buildings. BLR regulations are an attempt to ensure all of Montana's counties regulate these buildings. Cascade County established their own set of BLR regulations on November 12, 2013 with Resolution No 13-93, passed with a unanimous supermajority by the Board of Commissioners.

The Applicant's proposed four (4) buildings housing a total of one-hundred and eighty (180) storage units is permitted under the BLR regulations. The property is currently undeveloped and zoned Heavy Industrial. A building is defined in § 76-8-101(1), MCA, as "a structure or a unit of a structure with a roof supported by columns or walls for the permanent or temporary housing or enclosure of persons or property or for the operation of a business." Any proposed storage development with more than thirty (30) units must be approved by the Cascade County Commission.

**SPECIAL INFORMATION:**

1. The lots will be accessed by an existing approach from the Montana Department of Transportation controlled River Drive North, no new access will be required.
2. The proposed storage units will receive law enforcement services from the Cascade County Sheriff's Office and fire protection services from the Black Eagle Volunteer Fire Department. Proximity to services provided by the City of Great Falls may mean that the Great Falls Police Department or Great Falls Fire Department may be the first on scene.
3. This proposal sought a variance for a reduced rear-yard setback, from 25 feet to 10 feet, that was granted by the Zoning Board of Adjustment on March 28, 2019.
4. The development will have nineteen (19) buildings constructed with 30-34 storage units per building, ranging in size from 10' x 5' at the smallest to 14' x 40' at the largest. No proposed buildings will require water or wastewater facilities.
5. Storage will be contained inside all storage units, outside storage of recreation vehicles, boats, or motor vehicles will require installation of shielding or sight obscuring materials.
6. Sanitary restrictions placed on the parcel by the Henke Tracts Minor Subdivision and subsequent aggregation will require review by the Department of Environmental Quality (DEQ) for stormwater compliance.

**RECOMMENDATION:** Cascade County Staff, after reviewing the Buildings for Lease or Rent Application, have found that this application meets the requirements of Cascade County Zoning, and Buildings for Lease or Rent regulations and recommends approval of the proposal.



April 9, 2019

**River Drive North Storage  
Buildings for Lease or Rent Application**

**TWO MOTIONS PROVIDED FOR CONSIDERATION**

**MOTION TO APPROVE:**

Mister Chair, I move the Cascade County Commission, after consideration of the Staff Report, that the four (4) proposed buildings housing a total of one-hundred and eighty (180) units on Block 1 Lot 1A of the Amended Plat of Henke Tracts Minor Subdivision, Section 4, Township 20 North, Range 4 East, PMM, Cascade County MT, be approved subject to the following conditions:

1. The applicant must obtain any other required Federal, State or County permits and comply with the regulations associated with any other permits; and
2. The principal use of a rented or leased space shall be restricted to storage and shall not include processing, refining, transfer or distribution of any commercial material or product; and
3. Storage of flammable or explosive liquids, solids, or gases shall not be permitted; and
4. Applicant obtain approach permit for this use from the Montana Department of Transportation; and
5. Landscaping requirements shall be in accordance with § 8.18 of the Cascade County Zoning Regulations excepting where granted Administrative Relief; and
6. Applicant obtain Location/Conformance Permit for the proposed development; and
7. Applicant rewrite Certificate of Subdivision Approval (COSA) to obtain compliance with Department of Environmental Quality.

**MOTION TO DISAPPROVE:**

Mister Chair, I move that the Cascade County Commission, after consideration of the Staff Report, that the four (4) proposed buildings housing a total of one-hundred and eighty (180) units on Block 1 Lot 1A of the Amended Plat of Henke Tracts Minor Subdivision, Section 4, Township 20 North, Range 4 East, PMM, Cascade County MT, be denied.

**ATTACHMENTS:** Buildings for Lease or Rent Application  
Site Plan  
Amended Plat of Henke Tracts Minor Subdivision  
Vicinity Map  
Commissioner's Approval Form

Cc: Ken Weinheimer , Aspen Air, LLC



## Buildings for Lease or Rent Application

Cascade County Public Works Department  
Planning Division  
121 4<sup>th</sup> St No, STE 2H/I, Great Falls MT 59401  
Phone: 406-454-6905 Fax: 406-454-6919

**\$400.00 Non Refundable Application Fee Required**

Payment: Check (#) \_\_\_\_\_ Cash \_\_\_\_\_

### OFFICE USE ONLY

Date Application Received: \_\_\_\_\_

Type of Development: \_\_\_\_\_

Name of Owner/Applicant: Aspen Air, LLC - Attn: Ken Weinheimer Phone: 406-868-3939

Mailing Address: 4601 River Drive North City: Great Falls State: MT Zip: 59405

Proposed Development: Additional Storage Units

Legal Description: NW  $\frac{1}{4}$  NE  $\frac{1}{4}$  of Section 4 Township 20N Range 4E

### 1. Application Requirements:

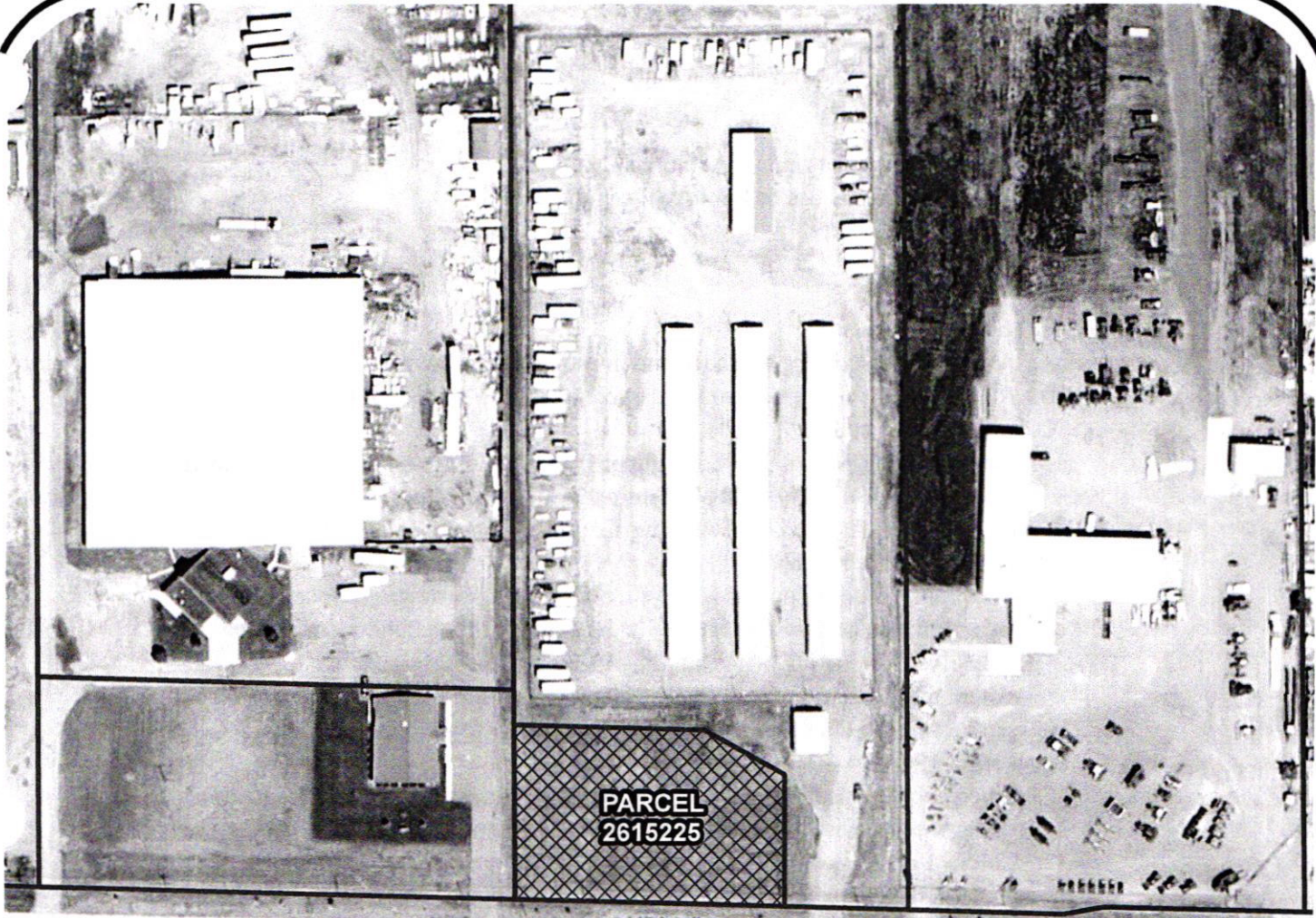
- A. A copy of the deed or other legal description of the real property.
- B. Evidence of the landowner's title and interest in the land for which the application is being made.
- C. A site plan showing:
  - i. North arrow and scale bar (minimum scale of 1:20);
  - ii. Property boundaries;
  - iii. Existing and proposed onsite and adjacent offsite streets, roads, and easements that will serve the proposal;
  - iv. Existing and proposed access to the subject property;
  - v. Pertinent geographic features of the subject property, including any significant topographical features and designated floodplain;
  - vi. Location of existing and proposed water, wastewater and solid waste facilities serving the subject property;
  - vii. The location of existing and proposed buildings or structures on the subject property.

19A – River Drive North Storage Units – Additional Units  
Cascade County Buildings for Lease or Rent Application  
Application Narrative  
2/8/19

1. Application Requirements

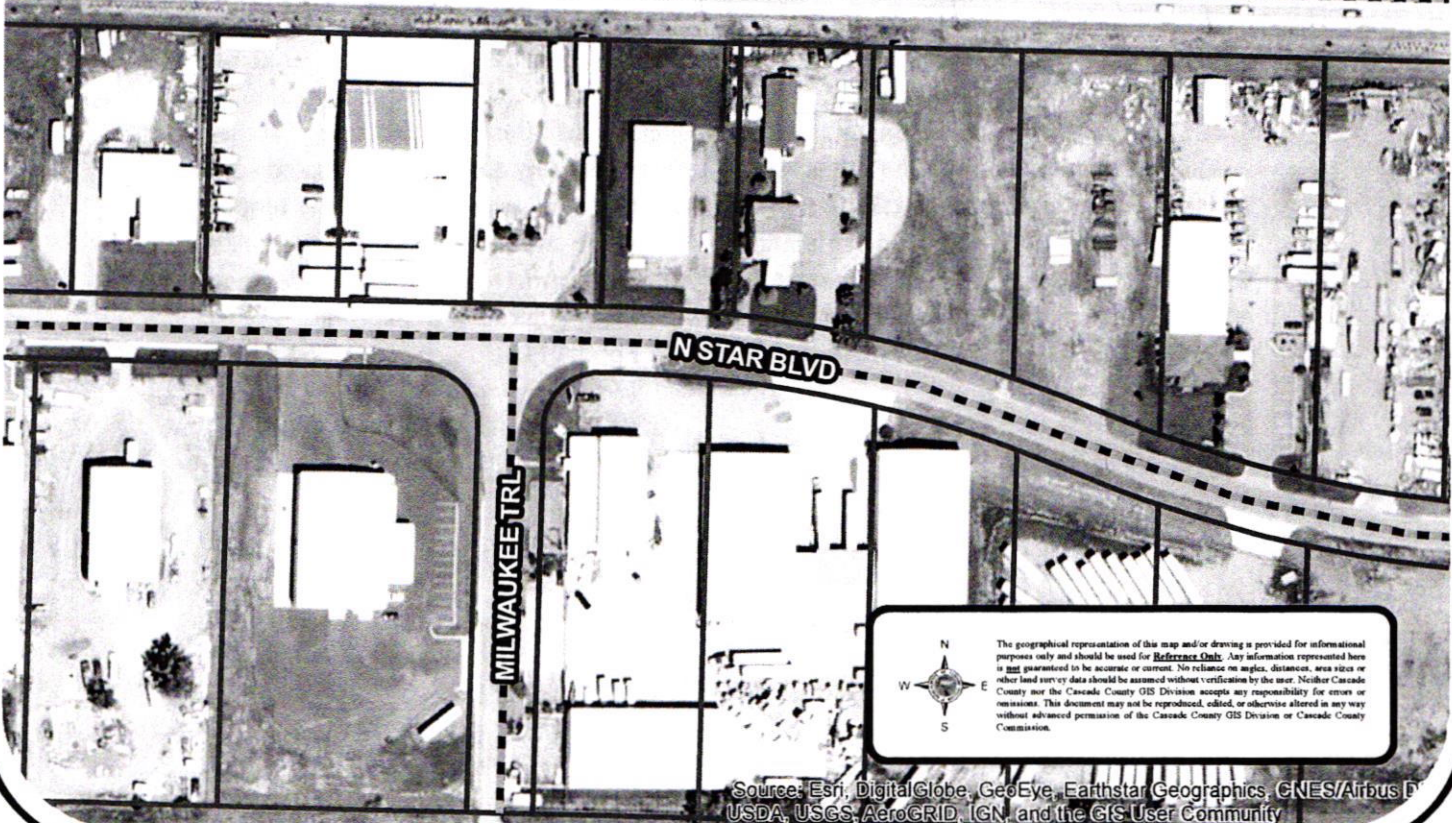
- A. A copy of the existing amended subdivision plat is attached.
- B. A Subdivision Guarantee from a title company is attached for review.
- C. A site plan is attached.
- D. Please refer to the site plan detailing proposed buildings on the subject property. No buildings currently exist on the property. The buildings will consist of storage units for rent. Approximate building size and proposed storage unit count is included on the site plan.
- E. The proposed development will not require water, wastewater, or solid waste improvements as it will be served by the existing office building on the adjacent property. The existing office building includes an underground water storage cistern that is serviced by licensed water hauler Prairie Water and a permitted septic tank and drainfield for wastewater treatment and disposal (Cascade County Permit 191-99).
- F. Emergency medical (Great Falls Emergency Services), fire (Black Eagle Fire Department & City of Great Falls Fire), and law enforcement services (Cascade County Sheriff's office & City of GF) will be served by existing facilities for adjacent developed properties. The small development will have minimal impacts on existing medical, fire, and law enforcement facilities.
- G. The proposed development will be accessed from the existing approach to the adjacent River Drive North Storage Units. The existing approach is connected to MDT-controlled River Drive North. No new highway access will be required for the proposed development. Refer to the site plan for additional information.
- H. The proposed storage units are being constructed to expand the storage at the existing facility. The subject property is industrially zoned and is located adjacent to industrial properties as well as the existing storage unit facility. The proposed development will have minimal impacts on the surrounding environment. A storm water detention and treatment pond will be constructed to mitigate any potential storm drainage impacts associated with the installation of impervious surfacing and new buildings on the currently vacant property.





PARCEL  
2615225

RIVER DR N



N STAR BLVD

MILWAUKEE TRL



The geographical representation of this map and/or drawing is provided for informational purposes only and should be used for Reference Only. Any information represented here is not guaranteed to be accurate or current. No reliance on angles, distances, area sizes or other land survey data should be assumed without verification by the user. Neither Cascade County nor the Cascade County GIS Division accepts any responsibility for errors or omissions. This document may not be reproduced, edited, or otherwise altered in any way without advanced permission of the Cascade County GIS Division or Cascade County Commission.

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USDA, USGS, AeroGRID, IGN, and the GIS User Community



**Buildings for Lease or Rent Application Approval**  
under authority of Title 76, Part 8, Montana Code Annotated

On April 9, 2019, the Cascade County Commissioners met and approved the application submitted by Ken Weinheimer, for four (4) storage building housing a total of one-hundred and eighty (180) mini-storage units on Block 1 Lot 1A of the Amended Plat of Henke Tracts Minor Subdivision, Section 4, Township 20 North, Range 4 East, PMM, Cascade County, MT. The Commissioners approved the application with seven conditions:

- 1) The applicant must obtain any other required Federal, State, or County permits and comply with the regulations associated with any other permits; and
- 2) The principal use of a rented or leased space shall be restricted to storage and shall not include processing, refining, transfer or distribution of any commercial material or product; and
- 3) Storage of flammable or explosive liquids, solids, or gases shall not be permitted; and
- 4) Applicant obtain approach permit for this use from the Montana Department of Transportation; and
- 5) Landscaping requirements shall be in accordance with § 8.18 of the Cascade County Zoning Regulations; and
- 6) Applicant obtain Location/Conformance Permit for the proposed development; and
- 7) Applicant rewrite Certificate of Subdivision Approval (COSA) to obtain compliance with the Department of Environmental Quality.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

BOARD OF COUNTY COMMISSIONERS  
OF CASCADE COUNTY

\_\_\_\_\_  
Joe Briggs, Chair

\_\_\_\_\_  
James L. Larson, Commissioner

\_\_\_\_\_  
Jane Weber, Commissioner

Attest:

\_\_\_\_\_  
Rina Fontana Moore, Clerk and Recorder



April 9, 2019

Agenda #2

**Agenda Action Report**  
*Prepared for the*  
**Cascade County Commission**

**ITEM:** Resolution of Intent to Sell Real Property  
Acquired by Cascade County Through Tax Deed  
at Public Auction

**INITIATED AND PRESENTED BY:** Charity N. Yonker, Deputy County Attorney

**ACTION REQUESTED:** Approval of Resolution #19-25

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**BACKGROUND:**

The County has ownership and possession of two (2) real properties obtained through tax-deed:

**Property 1:**

Parcel No. 0002277600 (Tax Deed Ref: Reel 327, Doc. 542)

Description: UNIVERSITY ADDITION, S15, T20 N, R03 E, Block 033, Lot 002, LTS 2 & 3

**Property 2:**

Parcel No. 0004793750 (Tax Deed Ref: Reel 121, Page 354)

Description: RED BIRD LODGE ADDITION, S32, T14 N, R08 E, Block 005, Lot 013, LTS 13-22

When the Board of County Commissioners are in possession of tax-deed land, they have a duty to enter an order to either (1) sell the land at public auction; (2) donate the land to a municipality if the land is within the incorporated boundaries of the municipality; (3) donate the land or sell the land at a reduced price to a corporation; or (4) retain the land for the county. It is recommended that an order be issued to sell the two (2) tax-deed properties listed above at public auction, as they are unnecessary for the operation of the county.

Further, a sale price must be determined and fixed by the Board prior to making the order of sale. This price may reflect the amount necessary to recover the full amount of taxes, assessments, penalties, and interest due at the time the tax deed was issued, plus the county's costs in taking the tax deed and in conducting the sale and additional taxes due, if any, at the time of the sale. It is recommended that Board set the sale price for each tax deed property as the fair market value determined and fixed by the Montana Department of Revenue ("MDOR") as follows:

1. Property 1 sale price of \$30,960.00; and
2. Property 2 sale price of \$15,494.00

Despite the Board's fixed sale price on the tax-deed properties, if, at any time up to 24 hours before the time fixed for the first offering of the property for sale, the delinquent taxpayer or their successor in interest, agent or immediate family member may exercise their right of redemption.

**RECOMMENDATION:** Approve Resolution #19-25 ordering the sale of tax-deed properties, Parcel No. 0002277600 and Parcel No. 0004793750, by public auction for the sale price equaling the fair market value determined and fixed by the Montana Department of Revenue.

**THREE MOTIONS PROVIDED FOR CONSIDERATION:**

**MOTION TO APPROVE:**

Mr. Chair, I move that the Commission **APPROVE** Resolution #19-25 ordering the sale of tax-deed properties, Parcel No. 0002277600 and Parcel No. 0004793750, by public auction for the sale price equaling the fair market value determined and fixed by the Montana Department of Revenue.

**MOTION TO APPROVE WITH MODIFICATION:**

Mr. Chair, I move that the Commission **APPROVE** Resolution #19-25 ordering the sale of tax-deed properties, Parcel No. 0002277600 and Parcel No. 0004793750, by public auction for different sale prices.

**MOTION TO DISAPPROVE:**

Mr. Chair, I move that the Commission **DISAPPROVE** Resolution #19-25 ordering the sale of tax-deed properties, Parcel No. 0002277600 and Parcel No. 0004793750, by public auction for the sale price equaling the fair market value determined and fixed by the Montana Department of Revenue.



**BEFORE THE BOARD OF COUNTY COMMISSIONERS  
CASCADE COUNTY, MONTANA**

**RESOLUTION 19-25**

**RESOLUTION OF INTENT TO SELL REAL PROPERTY ACQUIRED  
BY CASCADE COUNTY THROUGH TAX DEED AT PUBLIC AUCTION**

**WHEREAS**, Cascade County has acquired title of real property ("Properties") by tax deed located throughout Cascade County, Montana and listed in Exhibit A; and

**WHEREAS**, the Board of Cascade County Commissioners has jurisdiction and power, under such limitations and restrictions as are prescribed by law, to represent the county and have the care of the county property and the management of the business and concerns of the county in all cases where no other provision is made by law granted under MCA §7-5-2101; and

**WHEREAS**, on October 18<sup>th</sup>, 1999 Cascade County acquired title to tax-deed land for the property ("Property 1") described as follows and listed in Exhibit A:

LOTS 2 AND 3, BLOCK 33, UNIVERSITY ADDITION TO THE CITY OF  
GREAT FALLS, CASCADE COUNTY, MONTANA, ACCORDING TO  
THE OFFICIAL MAP OR PLAT THEREOF ON FILE IN THE OFFICE OF  
THE COUNTY CLERK AND RECORDER OF SAID COUNTY.  
Deed Ref: Reel 327 Document 542.

**WHEREAS**, on August 1, 1924, Cascade County acquired title to tax-deed land for the property ("Property 2") described as follows and listed in Exhibit A:

LOTS 13-22, BLOCK 5, RED BIRD LODGE ADDITION TO THE TOWNSITE  
OF NEIHART, CASCADE COUNTY, MONTANA, ACCORDING TO THE  
OFFICIAL MAP OR PLAT THEREOF, ON FILE AND OF RECORD IN THE  
OFFICE OF THE CLERK AND RECORDER OF SAID COUNTY.  
Deed Ref: Reel 121 Document 354.

**WHEREAS**, it is the duty of the Board of Cascade County Commissioners, *inter alia*, to enter an order to sell the land at public auction pursuant to MCA § 7-8-2301(1)(a); and

**WHEREAS**, pursuant to MCA § 7-8-2301(2), whenever tax-deed land is sold, the sale may not be made for a price less than the sales price determined and fixed by the board prior to making the order of sale. The sale price may be set in an amount sufficient to recover the full amount of taxes, assessments, penalties, and interest due at the time the tax deed was issued to the county plus the county's costs in taking the tax deed and in conducting the sale and additional taxes due, if any, at the time of the sale; and

**WHEREAS**, at any time up to 24 hours before the time fixed for the first offering of property for sale, the taxpayer, the taxpayer's successors in interests or legal representative may repurchase the property from the Cascade County pursuant to MCA § 7-8-2303; and

**WHEREAS**, pursuant to MCA § 7-8-2302(1), *Notice of Sale of Tax-Deed Properties for Public Auction* ("Notice") provided for in MCA § 7-8-2301 must be given by publication as provided in MCA § 7-1-2121; and

**WHEREAS**, pursuant to MCA § 7-8-2302(2), the *Notice* must be signed by the county clerk and recorder and must include a list of the time and place of sale, all lands to be sold, and the fair market value of the lands as determined and fixed by the department of revenue; and

**WHEREAS**, pursuant to MCA § 7-8-2304, a sale must be made for cash or on terms that require at least 20% of the purchase price to be paid in case at the date of the sale with the remainder paid in installments extending over a period not to exceed 5 years, with all deferred payment bearing interest at a rate not to exceed more than 4 percentage point a year above the prime rate published by the federal reserve system and as further approved by the Montana Department of Revenue; and

**WHEREAS**, pursuant to MCA § 7-8-2305, a upon payment of the purchase price in full, together with all interest that may become due on any installment or deferred payments, the Board of County Commissioners shall convey by Quitclaim Deed title of Cascade County in and to the property sold, subject to a reservation not to exceed 6 ¼% royalty interest in the oil, gas, other hydrocarbons, and minerals produced from the land.

**NOW, THEREFORE, BE IT RESOLVED**, by the Board of County Commissioners of Cascade County, Montana hereby orders that:

1. It is in the best interest of the County to sell the tax-deed properties as they are not needed for operations of the County.
2. The sale of the Properties shall be at public auction to the highest bidder at \_\_\_\_\_ o'clock on \_\_\_\_\_ the \_\_\_\_ day of \_\_\_\_\_, 2019 on the 2<sup>nd</sup> Floor of the Cascade County Courthouse located at 415 2<sup>nd</sup> Avenue North, Great Falls, Montana.
3. The County Clerk and Recorder is to sign and publish public notice of the public auction pursuant to MCA § 7-1-2121 through the *Notice* as provided in Exhibit B.
4. The sale price fixed by the Board for Property 1 is no less than \$30,960.00, and for Property 2 is no less than \$15,494. The dollar amount associated with each property on the attached Exhibit A represents the fair market value of said property as determined and fixed by the Montana Department of Revenue and shall be the minimum bid price for each respective property.



5. The Properties shall be sold in an "AS-IS, WHERE IS AND WITHOUT CONDITIONS." The County makes no representations, assurances or warranties as to, without limitation due to enumeration, the ability to build on the land, zoning and environmental conditions such as the presence of toxins, contaminants, radon, hazardous wastes, hazardous substances or storage tanks, of and on the properties listed for sale. It is under the assumption that the successful bidder's purchase of the property is based upon the bidder's independent investigation. The County herein makes no representations, assurances, or warranties regarding the properties' physical condition or stability, the existence of hazardous materials on or under the surface of the property, the property's suitability for the bidder's proposed purposes or for any other purpose, the property's value, current zoning or master plan designation, or access, or matters affecting title, or applicable development codes. The purchaser is responsible for procuring abstracts and/or title opinions.

6. Each property sold will be conveyed by Quitclaim Deed subject to any and all existing liens, encumbrances, covenants, conditions, restrictions, reservations, rights-of-way, and easements which may exist, and further subject to a reservation not to exceed 6 ¼ % royalty interest on behalf of Cascade County in the oil, gas, other hydrocarbons, and minerals produced from the land.

7. Each purchaser shall be required to sign an *Environmental Indemnification* for each respective property, as set forth in the attached Exhibit C-D, at the time of sale covering each property purchased.

8. An individual who bids on behalf of an entity shall be deemed to have represented and warranted that such individual has the legal power, right, and authority to bind the entity to purchase the property on the terms contained in this resolution.

10. The method of payment will be via Cashier's Check, Money Order or other certified/guaranteed funds in the amount of *at least 20%* of the successful bid on the date of the sale, which shall be NON-REFUNDABLE and due and payable to Cascade County at the time of the bid award. All bidders shall be deemed to have represented and warranted that either they, or the entity or individual they represent, have the funds necessary to pay the amount due at the time of sale.

11. The outstanding balance, if any, may be paid in installments extending over a period not to exceed five (5) years. All deferred payments bear interest at a rate of four percent (4%) annum. The rate may not to exceed more than 4 percentage point a year above the prime rate published by the federal reserve system and as further approved by the Montana Department of Revenue.

12. Cascade County reserves all rights under Montana Code Annotated, Title 71 to recover a property if the purchaser defaults on payments.

PASSED AND ADOPTED by the Board of County Commissioners of Cascade County, Montana, this \_\_\_\_ day of \_\_\_\_\_ 2019.

BOARD OF COUNTY COMMISSIONERS,  
CASCADE COUNTY, MONTANA

\_\_\_\_\_  
Joe Briggs, Chairman

\_\_\_\_\_  
Jane Weber, Commissioner

\_\_\_\_\_  
Jim Larson, Commissioner

Attest

On this 9th day of April 2019, I hereby attest the above-written signatures of the Board of Cascade County Commissioners.

\_\_\_\_\_  
Rina Fontana Moore  
Cascade County Clerk and Recorder

\* APPROVED AS TO FORM:  
Josh Racki, County Attorney

\_\_\_\_\_  
Deputy County Attorney

\* The County Attorney has provided advice and approval of the foregoing document language on behalf of the Board of Cascade County Commissioners, and not on behalf of other parties or entities. Review and approval of this document by the County Attorney was conducted solely from a legal perspective and for the exclusive benefit of Cascade County. Other parties should not rely on this approval and should seek review and approval by their own respective counsel.



**EXHIBIT A**

**TAX-DEED PROPERTIES FOR AUCTION**

**Property 1:**

Parcel No. 0002277600

Geo Code: 02-3015-15-2-02-26-0000

Legal Description:

LOTS 2 AND 3, BLOCK 33, UNIVERSITY ADDITION TO THE CITY OF GREAT FALLS, CASCADE COUNTY, MONTANA, ACCORDING TO THE OFFICIAL MAP OR PLAT THEREOF ON FILE IN THE OFFICE OF THE COUNTY CLERK AND RECORDER OF SAID COUNTY.

Deed Ref: Reel 327 Document 542

MDOR Assessed Value: \$30,960.00

Minimum Bid Price: \$30,960.00

**Property 2:**

Parcel No. 0004793750

Geo Code: 02-2355-32-4-24-29-0000

Legal Description:

LOTS 13-22, BLOCK 5, RED BIRD LODE ADDITION TO THE TOWNSITE OF NEIHART, CASCADE COUNTY, MONTANA, ACCORDING TO THE OFFICIAL MAP OR PLAT THEREOF, ON FILE AND OF RECORD IN THE OFFICE OF THE CLERK AND RECORDER OF SAID COUNTY.

Deed Ref: Reel 121 Document 354.

MDOR Assessed Value: \$15,494.00

Minimum Bid Price: \$15,494.00

**EXHIBIT B**

**NOTICE OF SALE OF TAX-DEED PROPERTIES FOR  
PUBLIC AUCTION**

**PLEASE TAKE NOTICE** that Cascade County shall hold a public auction on the \_\_\_\_ day of \_\_\_\_, 2019 at \_\_\_\_ o'clock \_\_.M. on the 2<sup>nd</sup> floor of the Cascade County Courthouse located at 415 2<sup>nd</sup> Ave N, Great Falls, Montana regarding sale of following real property, legally described as:

**Property 1:**

Parcel No. 0002277600

Geo Code: 02-3015-15-2-02-26-0000

Legal Description:

LOTS 2 AND 3, BLOCK 33, UNIVERSITY ADDITION TO THE CITY OF GREAT FALLS, CASCADE COUNTY, MONTANA, ACCORDING TO THE OFFICIAL MAP OR PLAT THEREOF ON FILE IN THE OFFICE OF THE COUNTY CLERK AND RECORDER OF SAID COUNTY.

Deed Ref: Reel 327 Document 542.

MDOR Assessed Value: \$30,960.00

Minimum Bid Price: \$30,960.00

**Property 2:**

Parcel No. 0004793750

Geo Code: 02-2355-32-4-24-29-0000

Legal Description:

LOTS 13-22, BLOCK 5, RED BIRD LODGE ADDITION TO THE TOWNSITE OF NEIHART, CASCADE COUNTY, MONTANA, ACCORDING TO THE OFFICIAL MAP OR PLAT THEREOF, ON FILE AND OF RECORD IN THE OFFICE OF THE CLERK AND RECORDER OF SAID COUNTY.

Deed Ref: Reel 121 Document 354.

MDOR Assessed Value: \$15,494.00

Minimum Bid Price: \$15,494.00



## TERMS OF SALE

The sale price fixed by the Board for Property 1 is no less than \$30,960.00, and for Property 2 is no less than \$15,494. The dollar amount associated with each property on the attached Exhibit A represents the fair market value of said property as determined and fixed by the Montana Department of Revenue and shall be the minimum bid price for each respective property.

The method of payment will be via Cashier's Check, Money Order or other certified/guaranteed funds in the amount of *at least* 20% of the successful bid on the date of the sale, which shall be NON-REFUNDABLE and due and payable to Cascade County at the time of the bid award. All bidders shall be deemed to have represented and warranted that either they, or the entity or individual they represent, have the funds necessary to pay the amount due at the time of the sale. An individual who bids on behalf of an entity shall be deemed to have represented and warranted that such individual has the legal power, right, and authority to bind the entity to purchase the property on the terms contained in this resolution.

The outstanding balance, if any, may be paid in installments extending over a period not to exceed five (5) years. All deferred payments bear interest at a rate of four percent (4%) annum. The rate may not to exceed more than 4 percentage point a year above the prime rate published by the federal reserve system and as further approved by the Montana Department of Revenue.

The Properties shall be sold in an "AS-IS, WHERE IS AND WITHOUT CONDITIONS." The County makes no representations, assurances or warranties as to, without limitation due to enumeration, the ability to build on the land, zoning and environmental conditions such as the presence of toxins, contaminants, radon, hazardous wastes, hazardous substances or storage tanks, of and on the properties listed for sale. It is under the assumption that the successful bidder's purchase of the property is based upon the bidder's independent investigation. The County herein makes no representations, assurances, or warranties regarding the properties' physical condition or stability, the existence of hazardous materials on or under the surface of the property, the property's suitability for the bidder's proposed purposes or for any other purpose, the property's value, current zoning or master plan designation, or access, or matters affecting title, or applicable development codes. The purchaser is responsible for procuring abstracts and/or title opinions.

Each property sold will be conveyed by Quitclaim Deed subject to any and all existing liens, encumbrances, covenants, conditions, restrictions, reservations, rights-of-way, and easements which may exist, and further subject to a reservation not to exceed 6 1/4 % royalty interest on behalf of Cascade County in the oil, gas, other hydrocarbons, and minerals produced from the land. Each purchaser shall be required to sign an environmental indemnification at the time of sale covering each property purchased.

Each purchaser shall be required to sign an *Environmental Indemnification* for each respective property at the time of sale covering each property purchased.

Cascade County reserves all rights under Montana Code Annotated, Title 71 to recover a property if the purchaser defaults on payments.

---

Rina Fontana Moore  
Cascade County Clerk and Recorder

**EXHIBIT C – PROPERTY 1**

**ENVIRONMENTAL INDEMNIFICATION FOR  
AUCTIONED TAX-DEED PROPERTY**

As partial consideration for the purchase of the below-described tax-deed property auctioned to Purchaser(s) on or about the \_\_\_\_\_ day of \_\_\_\_\_, 2019, Purchaser(s) agree(s) to indemnify and hold harmless Cascade County and any of its elected officials and department heads, and any of their attorneys, employees, servants, agents, successors, heirs, and assigns, from and against any and all costs, expenses, damages, fees, or fines incurred to investigate, inspect, remediate, reclaim, or otherwise repair any and all environmental contamination, whether in, on, above or below ground, and regardless of whether such costs are incurred as a result of actions by governmental entities or private parties. This indemnification applies to the below-described property and is an essential term and condition upon which Cascade County (Seller) consents to the sale of said property:

LOTS 2 AND 3, BLOCK 33, UNIVERSITY ADDITION TO THE  
CITY OF GREAT FALLS, CASCADE COUNTY, MONTANA,  
ACCORDING TO THE OFFICIAL MAP OR PLAT THEREOF  
ON FILE IN THE OFFICE OF THE COUNTY CLERK AND  
RECORDER OF SAID COUNTY.

Deed Ref: Reel 327 Document 542

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
Purchaser

\_\_\_\_\_  
Purchaser



**EXHIBIT D – PROPERTY 2**

**ENVIRONMENTAL INDEMNIFICATION FOR  
AUCTIONED TAX-DEED PROPERTY**

As partial consideration for the purchase of the below-described tax-deed property auctioned to Purchaser(s) on or about the \_\_\_\_\_ day of \_\_\_\_\_, 2019, Purchaser(s) agree(s) to indemnify and hold harmless Cascade County and any of its elected officials and department heads, and any of their attorneys, employees, servants, agents, successors, heirs, and assigns, from and against any and all costs, expenses, damages, fees, or fines incurred to investigate, inspect, remediate, reclaim, or otherwise repair any and all environmental contamination, whether in, on, above or below ground, and regardless of whether such costs are incurred as a result of actions by governmental entities or private parties. This indemnification applies to the below-described property and is an essential term and condition upon which Cascade County (Seller) consents to the sale of said property:

LOTS 13-22, BLOCK 5, RED BIRD LODGE ADDITION TO THE  
TOWNSITE OF NEIHART, CASCADE COUNTY, MONTANA,  
ACCORDING TO THE OFFICIAL MAP OR PLAT THEREOF,  
ON FILE AND OF RECORD IN THE OFFICE OF THE CLERK  
AND RECORDER OF SAID COUNTY.

Deed Ref: Reel 121 Document 354.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
Purchaser

\_\_\_\_\_  
Purchaser

## **CDBG PLANNING GRANT APPLICATION FORM**

### **MONTANA COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM MONTANA DEPARTMENT OF COMMERCE – COMMUNITY DEVELOPMENT DIVISION**

#### **ACCEPTANCE OF CDBG PROGRAM REQUIREMENTS**

The Applicant hereby certifies that:

It will comply with all applicable parts of Title I of the Federal Housing and Community Development Act of 1974, as amended, which have not been cited herein, as well as with other applicable federal laws and regulations.

It will comply with all requirements established by the Montana Department of Commerce and applicable State laws, regulations, and administrative procedures.

It accepts the terms, conditions, selection criteria, and procedures established by the Montana Community Development Block Grant (CDBG) Program and expressly waives any statutory or common law right it may have to challenge the legitimacy and propriety of these terms, conditions, criteria, and procedures in the event that it is not selected for an award of CDBG funds.

#### **APPLICANT- CERTIFICATION**

To the best of my knowledge and belief, the information provided in this application and in the attached documents is true and correct.

Signature \_\_\_\_\_  
Chief Elected Official or Authorized Representative

Name Joe Briggs Title Commission Chair

Date \_\_\_\_\_

<b>Eligible Applicant's Information [See Guidelines, page 3]</b>	
1. Name of Local Government and Chief Elected Official	Cascade County Joe Briggs, Commission Chair
Phone #/email address	(406) 454-6815
Mailing Address	325 2 <sup>nd</sup> Avenue North Great Falls, MT 59401
Federal Tax ID #	81-6001343
DUNS Number	01-03-60493
2. Name of Sub-recipient or Assisted Business (if applicable) and primary contact	Black Eagle Cascade County Water & Sewer District
Phone #/email address	(406)761-4408



**PROVIDE A BRIEF DESCRIPTION OF THE PROPOSED PLANNING ACTIVITY AND COMMUNITY/ENTITY BENEFIT:** (Describe what the final work product will be and provide a description of the items that make up the work scope. A more thorough description may be necessary if the planning activity is for a product other than a CCIP, growth policy or PAR/PER. Include a discussion regarding the schedule including when key project milestones will be started and completed, see Exhibit I.) Please limit the response to this description of the proposed planning activity to a maximum of two pages,

*Cascade County, on behalf of the Black Eagle Cascade County Water & Sewer District, is submitting this application for planning funds to update the current Preliminary Engineering Report (PER) to include additional components to the current project and a financial feasibility study.*

*The current PER is a combined water and sewer improvements project. A significant portion of the proposed work is located on a US Environmental Protection Agency (EPA) and Montana Department of Environmental Quality (DEQ) environmental cleanup Superfund site. The site is a portion of an abandoned railroad route that runs through the south end of the Black Eagle Community and is owned by BNSF Railway, Northwestern Energy and Cascade County (Art Higgins Memorial Park). The coordinated work will include BNSF excavation, testing, removal and disposal of the contaminated soils followed by a Black Eagle Water & Sewer District bid contractor shallow excavation and installation of new sewer pipe, water pipe and appurtenances. Following the installation of the utilities, BNSF will replace the excavated soils with clean fill material and resurface the corridor with gravel or asphalt as appropriate. The Superfund work will be completed in 2019 regardless of the Black Eagle funding outcome. If the funding is unsuccessful, the opportunity to take advantage of the matching funds/work will be lost. The entire project will consist of the rehabilitation or replacement of approximately 6,593 LF of Sanitary Sewer mains, approximately 1,800 LF of Water mains, Sanitary Sewer Manhole rehabilitation or replacement, replacement of 6 fire hydrants, and all necessary connections and appurtenances.*

*The update to the PER will include alternatives and a budget to include...*

*The Black Eagle Cascade County Water & Sewer District is considering and application to USDA Rural Development to fund the additional component. Rural Development requires all water projects to include meters, should the entity not currently have them installed, unless a significant economic detriment be demonstrated (CFR 1784.57 (m)). District officials believe the cost to each individual homeowner to install the meters to be too expensive. Each service line is connected to the main line. According to the By-Laws of the District, the individual homeowner is responsible for the service line. Due to the age of the service lines, it is believe replacement will be necessary to install the meters. The feasibility study proposed will evaluate the costs associated with installing meters to the residences in Black Eagle.*

## PROJECT PROPOSAL

Using separate sheets, applicants must address each of the questions below. Applicants are encouraged to review community development objectives outlined within the Annual Action Plan for Montana's Consolidated Plan; Community Planning staff will be reviewing all applications to determine that the proposed project meets the objectives of the Annual Action Plan for Montana's Consolidated Plan.

If a question is not applicable to the proposed planning project, the applicant must briefly address why it is not applicable. Links to supplemental documents or community – specific data and related information are encouraged to help support or illustrate the planning activity that funding is being requested for. Please limit the responses to the questions (A.1 through A.5 and B) below to a maximum of two pages each.

- A. Address the following elements as they relate to the proposed planning project, providing references and supplemental documentation as necessary to adequately illustrate a response:

1. The need for financial assistance to complete the planning project;

***Cascade County is applying for these funds on behalf of the Black Eagle Cascade County Water & Sewer District. According to the 2015 ACS, Black Eagle has an MHI \$24,048, an LMI rate of 67.84% and a poverty rate of 18% (the 2010 Census states a 33% poverty rate). According to the PER, the users of the District currently pay a combined rate of \$73.38, which is 159% of target rate.***

2. The fiscal capacity of the applicant to meet the grant conditions required by the Department, including but not limited to its ability to manage the planning project and demonstrate the use of generally accepted accounting principles;

***Cascade County has an extensive history with the successful management of grant funds.***

3. Past efforts to ensure sound, effective, long-term community wide planning;
4. The demonstrated importance of, and the community's current support for, the planning project.

***The proposed planning project will enhance the current project. As described above, a significant portion of the project is being accomplished through a partnership with the BNSF as part of a Superfund clean-up. As documented in the applications for construction funds, the District provided multiple letters of support from community residents and businesses. The support of the BNSF to coordinate efforts through the clean-up project is a strong public-private partnership that should be commended and taken advantage of, if at all possible.***

5. Relation of planning project to business expansion or retention, specifically the number of potential jobs created or retained as a result of the proposed planning effort.

***A reliable infrastructure system is the cornerstone for any community. It is not known at this time if business expansion will be a direct result of this project. Currently, there are approximately 60 businesses, employing 415 people within the community of Black Eagle. It is anticipated these businesses will remain operational for the foreseeable future. The proposed planning efforts will lead to a project that will ensure a stable infrastructure system for the businesses as well as the community as a whole.***

- B. Describe the intended outcome of the proposed planning project; how will the receipt of planning grant funds have a positive impact on the applicant community, and what steps will be taken following the conclusion of the planning activity (additional grant funds sought, implementation, construction, etc.)?



**EXHIBIT 2  
CDBG COMMUNITY PLANNING GRANTS  
PRELIMINARY PROJECT BUDGET & NARRATIVE**

<b>APPLICANT NAME</b> Cascade County (Black Eagle Cascade County Water & Sewer District)				
	<b>SOURCE: CDBG</b>	<b>SOURCE: Match (Specify)</b>	<b>SOURCE:</b>	<b>TOTAL</b>
Status of non-CDBG funds (Pending or Firm)				
<b>Professional Planning Activities</b>				
<b>Professional Architectural/Engineering Services</b>	\$40,000	\$10,000		\$50,000
<b>Other (Describe)</b>				
<b>TOTAL PLANNING PROJECT</b>	<b>\$ 40,000</b>	<b>\$ 10,000</b>	<b>\$</b>	<b>\$ 50,000</b>

**Note** – Because the amount of funding is limited, applicants will be expected to absorb most costs associated with the administration of the CDBG Planning Grant.

The budget justification narrative must thoroughly explain the rationale or basis for all proposed budget costs for each line item. Quotes from qualified professionals may be requested by MDOC to justify the proposed budget; applicants are encouraged to provide estimates from qualified contractors as part of the application package, in support of the amount of funds requested. The thoroughness of the budget justification will be a consideration in the review of the application. **The budget for the planning project must be accompanied by a detailed narrative that explains:**

- 1) The justification for each budget line item for the CDBG funds requested;
- 2) Local matching funds; and
- 3) Other sources and amounts of local, state, federal, or private funds to be involved.

Reminder: Planning grants may not be used for reimbursement of activities undertaken or completed prior to the date of announcement of grant award by the Department of Commerce.

**Budget Justification Narrative Response (response below or attached):**

April 9, 2019

Montana Department of Commerce  
Community Development Division  
301 S. Park  
P.O. Box 200523  
Helena, MT 59620-0523

Dear Montana Department of Commerce:

It is the finding of Cascade County, Montana, that the following activities approved for funding under the Montana CDBG program are defined as exempt activities under 24 Part 58.34, and meet the conditions specified therein for such exemption, of the Environmental Review Process for Title I Community Development Block Grant Programs, and that these activities are in compliance with the environmental requirements of related federal authorities. The activities and the statutory authority for exemption are listed below:

List applicable activities, descriptions, and authority. **For example:**

*1. Planning activities to include preparation of a preliminary engineering report.*

*Authority -- Section 58.34(a)(1): Environmental and other studies, resource identification and the development of plans and strategies.*

Sincerely,

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Signature of Environmental Certifying  
Official or Chief Elected Official